

Judge Burgess

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONTE WILLUWEIT, et al.,

Defendant.

NO. CR04-5489FDB

FINAL ORDER OF FORFEITURE

This matter comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the real property commonly known as 4031 Huckleberry Road, Port Orchard, Washington, and more specifically described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING; THENCE S2*14'32 W ALONG THE WEST LINE THEREOF 501 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF PROPERTY CONVEYED TO SAM A. SING BY DEED RECORDED UNDER AUDITOR'S FILE NO. 897545; THENCE S88*17'06 E 80 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY OF COUNTY ROAD; THENCE NORTHERLY AND EASTERLY ALONG SAID ROAD RIGHT-OF-WAY TO THE NORTH LINE OF SAID SUBDIVISION; THENCE N87*49'21 W 322 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL NUMBER: 052201-1-010-2000

1 On April 22, 2005, the Court entered a Preliminary Order of Forfeiture with respect to
 2 said property. The property was subject to forfeiture pursuant to Title 21, United States Code,
 3 Section 853, because defendant Monte Ray Willuweit pled guilty to Conspiracy to Manufacture
 4 Marijuana in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and
 5 846. Based upon the plea agreement, the pre-sentence investigation and other files and records
 6 herein, the Court finds that defendant Monte Ray Willuweit had interest in the said property that
 7 is forfeitable under the above cited statutes.

8 Pursuant to Title 21, United States Code, Section 853(n), the United States published
 9 notice in the Daily Journal of Commerce on May 10, May 17, and May 24, 2005 and in the Port
 10 Orchard Independent on May 18, May 25, and June 1, 2005, of the Preliminary Order of
 11 Forfeiture and of the intent of the United States to dispose of the property in accordance with
 12 law. This notice further stated that any person other than the defendants having or claiming an
 13 interest in the property was required to file a petition with the Court within thirty (30) days of the
 14 final publication of the notice or personal receipt of the notice, whichever was earlier, setting
 15 forth the nature of the petitioner's right, title and interest in the property.

16 On or about August 17, 2005, Claimant KeyBank National Association (Key Bank) filed
 17 a Petition for Hearing to Adjudicate the Validity of Interest of KeyBank National Association in
 18 the real property commonly known as 4031 Huckleberry Road, Port Orchard, Washington,
 19 claiming a lien interest in the above described real property. On January 31, 2006, the United
 20 States and Claimant KeyBank entered into a Stipulated Settlement Agreement. On February 10,
 21 2006, the Court approved the Stipulated Settlement Agreement, wherein upon entry of the Final
 22 Order of Forfeiture forfeiting the above-described property to the United States and the sale of
 23 the property, the United States will pay KeyBank the following:

- 24 1. All unpaid principal due on the Fixed Rate Option ("FRO"), that is \$32,089.23;
- 25 2. All unpaid interest on the FRO in the amount of \$2,605.14;
- 26 3. All unpaid principal due on the Variable Principle, that is \$12,826.81 as of
 27 November 30, 2005;
- 28 4. All unpaid variable interest due of \$775.85;
5. Kitsap County tax liens for tax years 2002, 2003, 2004, and 2005, including

penalty and interest, totaling \$5,281.97;

6. Per diem interest of \$14,45 from December 1, 2005, until the date of closing of the sale; and

7. Credit insurance, \$1,004.91, Annual fees, \$50.00; Late Charges, \$390.00, Insurance on the Variable Portion \$263.96; and Reconveyance Fee \$28.00.

Based upon the above, the third party petition which was filed herein has been fully resolved. No other petitioners have come forth to assert an interest in the forfeited property.

Accordingly,

IT IS ORDERED, ADJUDGED and DECREED that the following property seized from Monte Ray Willuweit is hereby fully and finally condemned and forfeited to the United States in its entirety:

The real property commonly known as 4031 Huckleberry Road, Port Orchard, Washington, and more specifically described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING; THENCE S2*14'32 W ALONG THE WEST LINE THEREOF 501 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF PROPERTY CONVEYED TO SAM A. SING BY DEED RECORDED UNDER AUDITOR'S FILE NO. 897545; THENCE S88*17'06 E 80 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY OF COUNTY ROAD; THENCE NORTHERLY AND EASTERLY ALONG SAID ROAD RIGHT-OF-WAY TO THE NORTH LINE OF SAID SUBDIVISION; THENCE N87*49'21 W 322 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL NUMBER: 052201-1-010-2000

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States, and shall be disposed of according to law.

IT IS FURTHER ORDERED that Key Bank National Association shall be paid pursuant to the terms of the Expedited Settlement Agreement.

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3 The Clerk of the Court is hereby directed to send a copy of this Final Order of Forfeiture
4 to all counsel of record and send three (3) "raised sealed" certified copies to the United States
5 Marshals Service in Seattle, Washington.

6 DATED this 6th day of March, 2006.
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15 FRANKLIN D. BURGESS
16 UNITED STATES DISTRICT JUDGE

17 Presented by:
18

19 /s/ Richard E. Cohen

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